

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN HANRAHAN,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

C20-144 TSZ

ORDER

THIS MATTER comes before the Court on Defendant King County's (County) Partial Motion for Summary Judgment, docket no. 8. Having reviewed all papers filed in relation to the motion,¹ the Court enters the following order.

Background

On October 18, 2019, Hanrahan filed a complaint against the County in state court. Complaint (docket no. 1-2 at 2). The complaint alleged that the County's negligence led to Hanrahan's cellmate at the King County Correctional Facility (KCCF) attacking him on August 16, 2016. Id. The complaint further alleged that the KCCF

¹ Plaintiff Kevin Hanrahan did not file a response to the County's motion.

1 officers at KCCF had violated Hanrahan’s “constitutional and due process rights.” Id. at
2 4; see 42 U.S.C. § 1983. The County filed a notice to remove the case to federal court.
3 Notice of Removal (docket no. 1 at 1–3).

4 The County then filed a motion for partial summary judgment, asserting that the
5 applicable statute of limitations bars Hanrahan’s federal claims. The County further
6 asserts that the Court should decline to exercise jurisdiction over Hanrahan’s remaining
7 state law claims.

8 **Discussion**

9 **A. Summary Judgment Standard**

10 The Court shall grant summary judgment if no genuine issue of material fact exists
11 and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).
12 The moving party bears the initial burden of demonstrating the absence of a genuine issue
13 of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). A fact is material if
14 it might affect the outcome of the suit under the governing law. Anderson v. Liberty
15 Lobby, Inc., 477 U.S. 242, 248 (1986). To survive a motion for summary judgment, the
16 adverse party must present affirmative evidence, which “is to be believed” and from
17 which all “justifiable inferences” are to be favorably drawn. Id. at 255, 257. When the
18 record, however, taken as a whole, could not lead a rational trier of fact to find for the
19 non-moving party, summary judgment is warranted. See Beard v. Banks, 548 U.S. 521,
20 529 (2006) (“Rule 56 ‘mandates the entry of summary judgment, after adequate time for
21 discovery and upon motion, against a party who fails to make a showing sufficient to
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1 establish the existence of an element essential to that party's case, and on which that
2 party will bear the burden of proof at trial.'" (quoting Celotex, 477 U.S. at 322)).

3 **B. Statute of Limitations**

4 For section 1983 claims, courts apply the forum state's personal injury statute of
5 limitations. Owens v. Okure, 488 U.S. 235, 240 (1989). In Washington State, the statute
6 of limitations for personal injury actions is three years. RCW 4.16.080(2). A court must
7 dismiss a claim if the statute of limitations bars it. Huynh v. Chase Manhattan Bank, 465
8 F.3d 992, 997 (9th Cir. 2006).

9 Hanrahan's assault occurred on August 16, 2016. Accordingly, the three-year
10 statute of limitations ran on August 16, 2019. Because Hanrahan did not file his lawsuit
11 until October 18, 2019, the statute of limitations bars his constitutional claims.

12 **C. Remand**

13 The County next asserts that, because only state law claims remain, the Court
14 should decline to exercise jurisdiction over the remaining claims. "A district court's
15 decision whether to exercise [supplemental] jurisdiction after dismissing every claim over
16 which it had original jurisdiction is purely discretionary." Carlsbad Tech., Inc. v. HIF
17 Bio, Inc., 556 U.S. 635, 639 (2009). The Court exercises its discretion to retain
18 supplemental jurisdiction over Hanrahan's remaining claims.

19 **Conclusion**

20 For the foregoing reasons, the Court ORDERS:

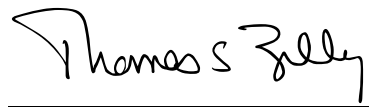
21 (1) Defendant's Motion for Partial Summary Judgment (docket no. 8) is
22 GRANTED in part and DENIED in part. Plaintiff's federal claims are DISMISSED with
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1 prejudice. The Court exercises its discretion to retain supplemental jurisdiction over the
2 remaining claims.

3 (2) The Clerk is directed to send a copy of this Order to all counsel of record.

4 IT IS SO ORDERED.

5 Dated this 8th day of January, 2021.

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8 _____
9 THOMAS S. ZILLY
United States District Judge